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## 2004 Decisions

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Opinions of the United  
States Court of Appeals  
for the Third Circuit

5-12-2004

# Affinito v. Hendricks

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UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 01-2066

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THOMAS AFFINITO,

Appellant

v.

ROY HENDRICKS; ATTORNEY GENERAL OF THE STATE  
OF NEW JERSEY

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Appeal from the United States District Court  
for the District of New Jersey  
(D.C. Civil Action No. 99-cv-02560)  
District Judge: Honorable Joseph A. Greenaway, Jr.

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Argued July 28, 2003

Before: SCIRICA, Chief Judge, RENDELL and AMBRO, Circuit Judges

(Opinion filed: May 4, 2004 )

Jean D. Barrett, Esquire (Argued)  
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Department of Law & Public Safety  
Division of Criminal Justice  
Appellate Bureau  
Richard J. Hughes Justice Complex  
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*Attorneys for Appellee*

**ORDER AMENDING PUBLISHED OPINION**

AMBRO, *Circuit Judge*

IT IS NOW ORDERED that the published Opinion in the above case filed May 4, 2004, be amended as follows:

On the caption page, in the second column, second line of the first paragraph, replace the year date “1998” with “1988”.

On the caption page, in the second column, eighth line of the first paragraph, insert a “.” immediately after the word “petition”, and replace the word “but” with the word “We” so that the sentences reads: “The District Court denied Affinito’s petition. We granted a certificate of appealability as to whether Affinito received ineffective assistance of counsel at his trial.”

On page five, second column, in the last two sentences of the last full paragraph, replace the “.” after the word “petition” with a “,”; change the capital “W” in “We” to a lowercase “w”; and insert the word “and” between the words “petition” and “we” so that the sentence reads: “As noted, the District Court denied Affinito’s petition, and we granted a certificate of appealability on the issue of whether Russell provided ineffective assistance of counsel.”

By the Court,

/s/ Thomas L. Ambro, Circuit Judge

Dated: May 12, 2004